

Crime Laboratory Commission Meeting

December 1, 2011

Department of Attorney General

150 South Main Street

Providence, RI

3rd Floor Conference Room

2:05 PM

In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory Dean Ronald Jordan University of Rhode Island; Christopher Cotta, Rhode Island Department of Attorney General; Lt. Richard Altimari Rhode Island State Police; Clay Choquette; Nancy Haley; Ewa King RI Department of Health; Robin Smith RI Department of Health.

I. INTRODUCTION

A. Welcome to Commission Members

Deputy Attorney General Coyne on behalf of the Attorney General welcomed Commission members and called the meeting to order at 2:05 PM.

B. Approve Minutes of August 17, 2011

Deputy Attorney General Coyne asked that a motion be made to approve the August 17, 2011 minutes, with a few minor grammatical

changes as suggested by Director Hilliard. Clay Choquette made the motion and Nancy Haley seconded this; all Members being in favor, the minutes of August 17, 2011 were approved.

Director Hilliard handed out packets containing information on the budget along with support letters and other correspondence to be discussed.

II. FUNDING

A. Budget

a. FY 2011

FY 2011 budget was closed out as explained to the Commission at the last meeting. The final deficit in this budget is reported as \$3,386.14. At the last meeting the Commission entertained the possibility of sending a letter to Dr. Fine to see if DOH would cover this deficit. Mr. Coyne stated that he actually had contact with DOH and they were not receptive to that. It was recommended by Director Hilliard to move this deficit to the FY 2012 and pay for it during FY 2012. A motion was made to move the deficit to FY 2012 by Clay Choquette and seconded by Nancy Haley; all members present were in favor. One more issue with FY 2011, which The University is going to address, is that URI sends a billing one month after they close out the year and the last billing was for about \$101,000.00 to DOH. DOH did not pay this bill because in mid-July they sent any excess money back to the State. Therefore they did not have the money to pay URI. Discussions were done with URI and the result of these discussions is that URI will seek a supplemental budget in

January from the state legislature through the Department of Higher Education to claim those funds that were turned back to the State.

b. Byrne/JAG ARRA Stimulus Grant

The money in the Byrne/JAG has been completely expended.

c. Byrne/JAG Grant FY 2010

This grant is currently being used to support the NIBIN Technician Position. As of 11/30/2011, there is a balance of \$5,326.00 which should be expended by February, 2012, depending on how the technician works his time. We will ask for an extension of this grant as it expires December 30, 2011. We expect another Byrne Grant to be allocated in FY 2012 which will keep that position going until at least June of 2012.

d. Coverdell Grant – FY 2010

This grant is currently being used to support the Quality Officer position to maintain our accreditation status. As of November 30, 2011, there was a balance of \$18,228.00 which should be expended by mid-February, 2012. The position will then be maintained with Coverdell 2011 for which we received an allocation of \$37,000.00. The problem of course will be the next fiscal year which is Federal year 2012 and our Fiscal Year 2013, as the Coverdell fund was slashed.

This closes out FY 2011. Are there any questions? No questions were asked.

B. Budget FY 2012

a. FY 2012 to date

We have an allocation for FY2012 of \$775,000.00. As of 11/30/2011 there is a balance of \$495,328.00 or about 63.9%, which is on target based on current spending. In the packet which was handed out at the beginning of the meeting there is documentation that originally \$865,000.00 was asked for from the state; therefore the budget was revised to account for that. The Federal funds help supplement the two positions we have. We need to consider a request to the legislature for supplemental funds for about \$40,000.00. There is a 27th pay period which was explained at the last meeting which accounts for \$24,000.00. This has not been allocated into this budget and there was no money from last year's budget to reallocate for this year's budget. Also, there is an outstanding bill for the T-1 line which is an additional \$2400.00 per year. Another factor is that Director Hilliard just received notice from one employee who had been waiving his medical insurance (because he had coverage through a retirement plan) that he now needs the medical coverage. Apparently, he received a letter stating that he had to accept the medical plan offered by his current employer if available. This will cost an additional \$18,000.00 per year. We also had an unexpected expense of \$847.00 for Mr. Foley since he had waived his medical coverage and he is due that amount of money this month as his waiver. All four factors total up to almost \$40,000.00 Director Hilliard recommended asking for another supplemental. As URI is already looking for the supplemental for FY2011 it was suggested that the Commission write a letter to URI suggesting that they also ask for a

supplemental for FY2012. Mr. Coyne stated that he would write the letter.

1. Legislation

a. LIMITED PERIOD APPOINTMENTS

A request was made to Dean Jordan to determine if the URI administration was in favor of such a change. Dean Jordan stated that the attorney that drafted the original language had agreed that the language needed to be changed and he would be working with Human Resources at URI to resolve this. The language is going to be adjusted to the language suggesting that these positions not be limited appointments, but that we still would still have the ability to have limited appointments in the future if we want. This will be drafted and submitted as part of our request.

b. SUPPLEMENTAL REQUEST (\$40,000.00)

As stated above, it is recommended that the Commission consider seeking a Supplement in the amount of \$40,000.00 to account for the 27th pay period in this fiscal year; the extra expense of the T-1 line and the extra expenses of employee medical coverage.

C. BYRNE GRANT – FY 2011

We expect an award of about \$10,684.00 for continuing our NIBIN appointment through June of 2012. Next year we do not anticipate receiving a Grant.

D. Coverdell Grant – FY 2011

We expect an award of \$37,374.50 which will be used to support

the Quality Officer position to maintain our accreditation status. This should be sufficient to carry this position into FY 2013.

E. BUDGET FY 2013

URI put in a budget request in the amount of \$869,793.00. Increases are due to the expected loss of federal support for two positions supported in whole or in part by federal funds. Also taken into account were expected increases in salaries and medical benefits. A tentative FY 2014 budget was also prepared increasing the FY 2013 by 3% in personnel and fringe benefits and adding the replacement cost for one instrument at approximately \$150,000.00. The budget for FY 2013 which was prepared by URI will be presented to the Governor through higher education. Any questions on FY 2012 or FY 2013? No questions.

III: LABORATORY STATUS

A. Laboratory Progress Report

a. January 1 - November 30, 2011.

Director Hilliard prepared a third-quarter period official report covering January 1 thru September 30, 2011, as well as a Progress Report up until November 30, 2011. The laboratory has already broken a record for most cases and exhibits submitted within a one year period. The laboratory is about 37% over the same period when compared to last year. There were 646 cases verses 470 cases for that period. The old record in 2009 was 689 cases and 3,664 exhibits; through November 30, 2011 there have been 768 cases and 4,048

exhibits. Just today alone Providence brought in ten cases. The type of cases that there have been increases in are assault, arson, B&E, as well as firearms. More cases are being seen from ATF, Charlestown, Coventry, Cranston, East Providence, Johnston, North Providence, Pawtucket, and Providence. There have been fewer cases from Barrington, Central Falls, and Smithfield. Mr. Coyne asked if ATF is billed for work done. There was discussion that no fees are charged as Federal Agencies provide training to the staff at no charge. Director Hilliard also informed the Commission that there were twenty-two tours of the State Crime Laboratory by different agencies.

1. Firearms Section update

Firearms section has the largest backlog with 495 cases as of this week. They have been working on priority cases only. Wait time for priority cases is about two weeks and non priority case backlog is about twelve months. A new Examiner Dennis Lyons started on September 19, 2011, and he was cleared for case work within a month based on proficiency testing and familiarity with the Quality System similar system that he used while working in the NY State Police forensic laboratory. With two qualified Firearm Examiners, FA section will work two recent cases and two old cases until backlog is reduced. A concerted effort will be made to determine if older cases have been adjudicated and if a full examination will not be necessary. All guns have been test fired for NIBIN. All outstanding cases started by George Foley have been completed.

The water firing tank was relocated, which was discussed at the last

meeting. It is about ½ mile away. It has been upgraded with new lighting system, water filter system, and a timer was added so that the water will be cleaned each day. Dennis Lyons is qualified for NIBIN, so he moved his authorization for NIBIN work from New York to Rhode Island. Both firearms examiners attended the New England Firearms meeting on September 21, 2011 in Connecticut.

2. Latent Print Section Update.

The backlog is about 82 cases – approximately four months. Due to an increase in B&E's there are a lot more cases for latent print examinations. The Laboratory is being asked to search latent prints in AFIS. By far and away we are the largest user of the AFIS system in Rhode Island. The T-1 line has provided great ability to get searches done in a timely manner. Mark Zabinski, one of our examiners, is participating in the national AFIS interoperability committee and attended a meeting in Washington, DC. The task force will be implementing a report to the White House and the expected response will be a congressional mandate for interoperability and funding.

Both Ed Downing and Mark participated in an audit of the Latent Print Section at the Connecticut State Forensic Laboratory. The Connecticut State Laboratory had some issues with their accreditation, whereas, they actually lost accreditation for a certain period of time. Director Hilliard and Amy Duhaime also assisted CSFL in an audit of their trace arson cases. Connecticut has always been great working with our Laboratory providing us with services when needed.

Ed and Mark are scheduled to participate in a national friction ridge

suitability study. Ed attended the Latent Print Distortion Class October 27-28, 2011. Ed attended the Cogent users Group at Foxwoods which was held October 24-26, 2011. Mark attended and presented at The Florida IAI meeting which was held in October.

There has been a progression in cases. In 2007 they completed 231 cases; 2008- 240; 2009- 260; 2010- 300; 2011 to date 341. This is an increase of 47% over the last five year. We are looking into a second AFIS work station. There is a sufficient amount of work for two terminals. Director Hilliard is looking into applying for a grant to purchase the second AFIS terminal for the Laboratory. This will add an increase in maintenance costs. Question was raised as to how much the maintenance would be. This will be discussed at the next meeting.

3. Trace Section Update.

Backlog is about 55 cases which is approximately four months. Kim is back to work after a three month family leave. PDQ samples were collected at Woonsocket Auto Salvage. Sixty Auto paint samples are needed to maintain the Laboratory's participation in the PDQ database. They presented the Auto Salvage owners with Crime Lab T-shirts as a thank you. One of the examiners is working on an interrelated tool mark case which involves fifteen cases; nine so far have been linked. Amy and Director Hilliard attended the NEAFS Annual meeting which was held in Newport and Amy moderated two sessions; Jerry Coyne was the luncheon speaker at this meeting. Amy and Kim Freeland went to the NE trace Examiner's meeting which was held in Sudbury at the MSP Laboratory. The main topic of

this meeting was ISO accreditation, as the CTSP just had their inspection and MSP Boston are preparing for theirs. MSP gave a tour of their trace laboratory, including all their new equipment purchases which highlight the RISCL's need to expand their available equipment in the trace section just to be equal to the surrounding laboratories. Our staff has been invited to make a presentation to the RI Bar Association on March 20, 2012, similar to the presentation provided to the RI Public Defender, AG Office and the Naval JAG meeting in Newport.

B. Laboratory Personnel Badges and Commissions

Bill Masse delivered ID cards and ID photos were obtained from each laboratory member and affixed to the ID cards. These were delivered to the Attorney General today for his signature. Once they are signed by The General, Christopher Cotta will return the IDs to the laboratory personnel.

C. ISO/IEC Accreditation

The laboratory continues to maintain its accreditation status. We are scheduled to have a desk audit in May of 2012. We have been requested to assist the CT State Forensic laboratory with their accreditation issues. Director Hilliard has been offered an opportunity to assist the State of Qatar with ISO accreditation of its forensic Laboratory through the University of New Haven.

IV. NEW BUSINESS

A. Future Space Allocation at the University of Rhode Island

At the end of the last meeting a question was asked as to what was going on at URI in terms of new space. At that time Director Hilliard did not have an answer. The Commission has a letter from the former URI President stating that the University will provide the Laboratory with more space. Since our last meeting, Dean Jordan, Director Hilliard, and URI Vice President Bob Weygand had a meeting, and at that meeting URI did promise to provide sufficient space to accommodate the consolidation of all lab sections and equipment into one building. Fogarty Hall was a possible location or possibly another building. The other building is off campus in West Kingston and could provide not only laboratory space but also room for expanding our training as well... Right now it is up to the University. If this off campus building was granted to the Laboratory the soonest the laboratory would have it would be sometime in September. If the University decides on Fogarty Hall for the location of the laboratory the earliest for that building will be May, 2012. As soon as alternate space is available Director Hilliard will inform the Commission. No other questions were asked.

Deputy Attorney Gerald Coyne made a motion to adjourn, with all members in favor; the meeting was adjourned at 2:45 PM.

Minutes taken and transcribed by:

Monica A. Nason, Department of Attorney General